

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-1870

Melodie Schwankl,	*	
	*	
Appellant,	*	Appeal from the United States
	*	District Court for the District
v.	*	of Minnesota.
	*	
Unicare Health Facilities, Inc.,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: December 17, 1999

Filed: December 23, 1999

Before McMILLIAN and FAGG, Circuit Judges, and BOGUE,* District Judge.

PER CURIAM.

Melodie Schwankl appeals the district court's adverse grant of summary judgment on Schwankl's wrongful termination claim brought under Minnesota's whistleblower statute. Schwankl, a licensed practical nurse, was employed by Unicare Health Facilities at a nursing home for physically and mentally disabled individuals who often need medication for their mental and physical well-being. On the occasion that

*The Honorable Andrew W. Bogue, United States District Judge for the District of South Dakota, sitting by designation.

triggered this litigation, Schwankl was ordered to dispense the medication--a task well within her levels of training, competence, and experience--and when she refused to perform the task, she was terminated for not doing her job. The district court concluded that Schwankl had no objective basis to believe Unicare's order directing her to dispense medications--a task she had performed frequently in the past--was unlawful and thus rejected Schwankl's claim that her termination violated the whistle-blower statute.

We review a grant of summary judgment under a well-established standard. Because this is a diversity action, we review de novo questions of state law. Having considered the record and the parties' briefs, we are satisfied that no error appears in the district court's ruling. In our view, the district court correctly applied the controlling state law and the record supports the district court's ruling. We also conclude a comprehensive opinion in this diversity case would lack precedential value. We thus affirm for the reasons stated in the district court's memorandum opinion and order without further discussion. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.